

## **2. REMARKS / DISCUSSION OF ISSUES**

Claims 1-17 are pending in the application. Claims 1, 8 and 15 are the independent claims.

Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

### **Rejections under 35 U.S.C. §103**

Claims 1, 5-8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Finn, et al.* (U.S. Patent 6,505,057) in view of *Stammeler, et al.* (U.S. Patent 6,839,670). For at least the reasons set forth below, it is respectfully submitted that the present rejection is improper and should be withdrawn.

Analysis of obviousness under 35 U.S.C. §103 requires determination of the scope and content of the prior art, the differences between the prior art, and the claims at issue, and the level of ordinary skill in the pertinent art.

*W.L. Gore & Associates, Inc. v. Garlock, Inc.* 220 USPQ 303, 311 (1983) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CAFC 1966)). Moreover, there must have been something present in the teachings of the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. *W.L. Gore & Associates* at 311 (citing *In re Bergel* 130 USPQ 206, 208 (CCPA 1961); and *In re Spinnoble* 160 USPQ 237, 244 (CCPA 1969)).

Furthermore, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is a reason, suggestion or motivation to do so. The reason, suggestion or motivation may come from references themselves; from knowledge of those skilled in art that certain references or disclosures in references are known to be of interest in the particular field; or from nature of the problem to be solved to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

*Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.* 37 USPQ2d 1626 (CAFC 1996). Moreover, prior knowledge in the field must be supported by tangible teachings of reference materials. *Cardiac Pacemakers Inc. v. St. Jude Medical Inc.* 72 USPQ 2d 1333, 1336 (CAFC 2004).

Claim 1 is drawn to method operating a user-interactive, multi-device, audio-video system and features:

*"...driving each echo canceling facility to combine each facility's functional ability for canceling one or more mutually unique cancelable speech entities, and combining such cancelled entities for overall non-recognition by the system.*

The Office Action asserts that this and other features of claim 1 are described in *Finn, et al.* at column 16, line 1-column 18, line 6. The Office Action does not cite specifically the disclosure in *Finn, et al.* of the combining the cancelled entities for overall non-recognition by the system. Applicants respectfully submit that the cited portion of *Finn, et al.* lacks at least the disclosure of this feature. In particular, the cited portion of *Finn, et al.* discloses the use of echo cancellors and far and near end echo cancellors for use with far and near end microphones. However, the cited portion of the reference, as understood by the undersigned, does not disclose the combining of cancelled entities for non-recognition by the system.

For at least the reasons set forth above, it is respectfully submitted that because at least one feature of claims 1 and 8 is not disclosed in the applied art, a *prima facie* case of obviousness has not been made. Therefore, claims 1 and 8 and the claims that depend directly or indirectly therefrom are patentable over the applied art.

Claim 15 is drawn to a speech enhanced device for use in a multi-device audio-video system. The device includes: *"... a speech input/output means interposed between said speech recognizing and echo canceling facilities, for intercoupling another speech-enhanced device."*

The Office Action states that *Finn, et al.* teaches multiple connected echo-canceling facilities between multiple inputs and outputs. The Office Action relies on *Stammler, et al.* for the disclosure of a microphone and speaker between the speech recognition and echo cancellation facilities. The Office Action does not cite the disclosure in the applied art of *a speech input/output means intercoupling another*

**speech-enhanced device**, as specifically recited in claim 15.

Moreover, Applicants respectfully submit that the proper motivation to combine references is not provided. Again, Applicants submit that the Examiner has impermissibly used the teachings of the instant application as a blueprint to combine the teachings of *Finn, et al.* and *Stammler, et al.* without any suggestion or teaching for such combination by either reference or in the knowledge generally available to one of ordinary skill in the art. Moreover, the tangible evidence from which the knowledge is garnered is not provided. The Examiner merely states that *Finn, et al.* and *Stammler, et al.* are analogous art of voice recognition using echo cancelling and thus the combination affords requisite motivation. First, it is the combination of *Finn, et al.* and *Stammler, et al.* that provides the combination of voice recognition and echo cancelling. (While *Finn, et al.* discloses voice recognition, this is only in the context of prescribing the need for noise filtering.) Second, the mere coincidence that two references are from analogous art does not provide the motivation to combine the references. In summary, Applicants reiterate that rather than finding a motivation or suggestion to develop the novel features of the present invention in the combination of *Finn, et al.* and *Stammler, et al.*, the Examiner has inferred such motivation or suggestion after reading the description of the present invention.

Applicants submit, therefore, with respect to independent claims 1, 8 and 15, the reasons for the examiner's rejection are overcome, and the rejections under 35 USC 103(a) can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of claims 1, 8 and 15 over the art or record.

With regard to claims 6, 7, 12-14, 16 and 17, these claims ultimately depend from claims 1, 8 and 15, which have been shown to be allowable. Accordingly, claims 6, 7 and 12-14, 16 and 17 are also allowable by virtue of their dependency upon an allowable base claim.

Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WSF', written over a horizontal line.

William S. Francos, Esq.  
Reg. 38,456

March 20, 2006  
Volentine, Francos & Whitt, PLLC  
Treeview Corporate Center  
Two Meridian Boulevard  
Wyomissing, PA 19608

(610) 375-3513